



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,543	08/19/2003	Georg Wall	HBC 251-KFM 17657-US	4260

7590 06/23/2005
Karl F. Milde, Jr., Esq.
MILDE & HOFFBERG, L.L.P.
Suite 460
10 Bank Street
White Plains, NY 10606

EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
----------	--------------

3635

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/643,543	Applicant(s) WALL, GEORG	
	Examiner Chi Q. Nguyen	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/22/03</u> . | 6) <input checked="" type="checkbox"/> Other: <u>attachment</u> . |

✓

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: the headings are missing. Appropriate correction is required.

Claim Objections

Claims 4 and 5 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4 and 5 not been further treated on the merits.

Claims 2 and 3 are objected to because of the following informalities: the applicant is advised to have a consistent claim preamble with the independent claim 1. Since the independent claim 1 cited as "A two-piece joining device..." thus the dependent claim preamble of claims 2 and 3 should be cited as "The two-piece joining device..." Appropriate correction is required.

In regard claim 1, the cited limitation "the first joining element and the second joining element" does not have antecedent basis. Correction is required.

In regard claim 1, the cited limitation "the outer side" does not have antecedent basis. Correction is required.

In regard claim 1, the claim preamble is set forth a subcombination of a two-piece joining device and not positively claimed for a combination of two adjacent individual elements, therefore the combination limitations are being not given patentable weight.

In regard claim 3, the cited limitation "the entire length" does not have antecedent basis. Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard claim 1, the phrase "e.g." renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "e.g."), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

In regard claim 1, the cited limitation "at least at some points" and "at least partly" is indefinite and confusing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunsucker (US 3,302,412).

In regard claim 1, Hunsucker teaches interlocking sheet piles and method of installation comprising two interlocking strip shaped joining elements 10, 10a. Each of the joining elements comprising a neck strip 18 projecting away from a base B (see attachment of figure 2), an adjoining button strip 14 and the second joining element 15

Art Unit: 3635

and the being affixable with a base B and comprises two hook strips 25 projecting away from the base B and encompass the button strip 14 of the first joining element inserted into hollow space 16a so that it is held in the hollow space 16a, characterized in that the base B of the first joining element comprises on its two longitudinal sides, the two hook strips serve as holding portions projecting away from the base which embrace outer sides of the hook strips of the second joining element. Since Hunsucker teaches the similar structures as the applicant's claimed invention, it's inherently capable of performing the same function such as preventing a widening of the hook strips in the case of tensile forces between the two individual elements.

In regard claim 2, Hunsucker teaches the claimed invention as stated wherein the holding portions of the two hook strips 25 are holding strips.

In regard claim 3, Hunsucker teaches the claimed invention as stated wherein the holding portions of the two hook strips 25 extend along a length of the base B.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nottingham and Nahr teach two-piece joining device.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

Art Unit: 3635

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

6/20/05

CQN


Naoko Slack
Primary Examiner

405/278

Feb. 7, 1967

W. A. HUNSUCKER

3,302,412

INTERLOCKING SHEET PILES AND METHOD OF INSTALLATION

Filed June 29, 1964

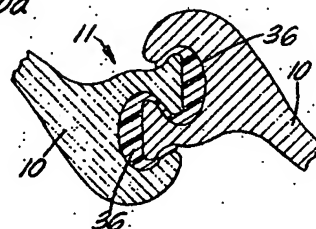
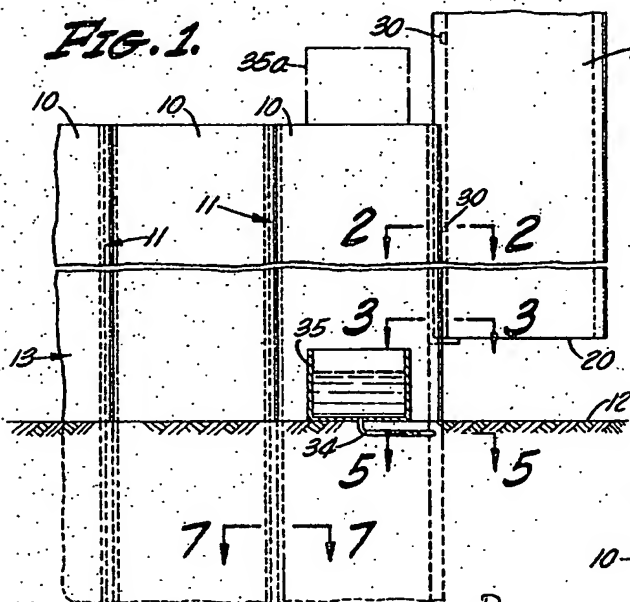


FIG. 7.

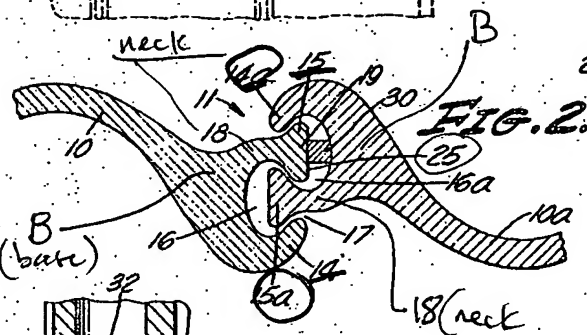


FIG. 2.

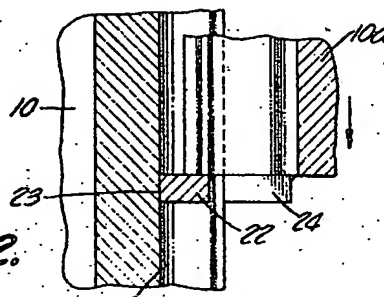


FIG. 4.

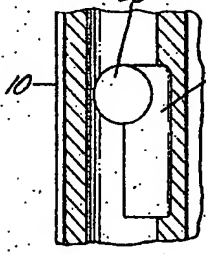


FIG. 6.

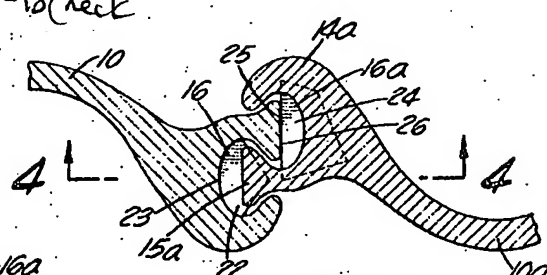


FIG. 3.

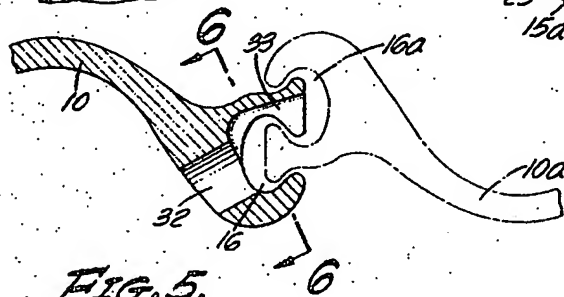


FIG. 5.

INVENTOR.
WILLIAM A. HUNSUCKER
BY *Lyons Lyons*
ATTORNEYS